

Appl. No. : 09/607,841
Filed : June 30, 2000

REMARKS

This Amendment is responsive to the Office Action issued on July 17, 2003 (the "Office Action"). Original Claims 1-14 have been canceled and replaced with new Claims 15-60. No new matter has been added. A Supplemental Information Disclosure Statement is being filed with this Amendment.

I. Finality of Office Action

The Office Action Summary page (form PTO-326) indicates that the Office Action is final. Applicant assumes this indication is erroneous, as this is the first Office Action issued in the present application. The "non-final" status of the Office Action is properly indicated in PAIR.

II. Priority Claim

At paragraph 3, the Office Action erroneously indicates that the priority date of the present application is the non-provisional filing date of June 30, 2000. The present application claims the benefit of U.S. Provisional Appl. No. 60/142,287, filed July 2, 1999 (see Preliminary Amendment filed with the present application), and is a copy of said provisional application. The priority date of the present application is therefore Applicant's provisional filing date of July 2, 1999.

Applicant did not claim priority to any of the four applications listed in paragraph 3 of the Office Action. As these three provisional applications are also erroneously listed on the filing receipt of the present application, Applicant is submitting herewith a request for a corrected filing receipt.

III. Official Notice

In the Office Action, the Examiner took Official Notice that the MS Windows operating system and the USPTO's APS system included, prior to Applicant's priority date, certain features that are related to Applicant's claims. Applicant respectfully challenges these assertions, and requests that the Examiner provide documentary support for these assertions, to the extent the Examiner's position is that Windows or APS included specific functionality for either saving search queries for re-use, or for analyzing a user's history of search queries. Although the Examiner listed certain non-patent references involving the APS system in paragraph 11 of the

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Office Action, none of these references were enclosed with the Office Action or listed on the Notice of References Cited.

IV. Claims 15-31 involving user-defined categories

Claims 1-6 of the present application, which have been replaced with Claims 15-31, are directed generally to a feature that involves saving a search query in association with a user-specified category name to create a user-specified category. In a preferred embodiment of this feature, the user-defined categories that are created by a user are added as links to a categories page for the user. When the user selects such a category link, a list of the items that match the associated search query are displayed. Each such link is preferably displayed with a numerical value indicating the current number of items falling within the user-defined category. The preferred embodiment of this feature is described in the present application at page 3, lines-1-13; page 13, line 10 to page 16, line 4; and page 21, line 10 to page 22, line 2.

In the Office Action, the Examiner appears to take the position that independent Claims 1 and 5 are anticipated because a user of the Amazon.com web site, as disclosed in Bowman (U.S. Patent 6,169,986), could have submitted and viewed the results of a search query, and then saved the search query on his or her own computer for subsequent use using the Microsoft Windows operating system. Applicant respectfully disagrees that this hypothetical scenario anticipates Claims 1 and 5. First, the Examiner has not presented any evidence that users actually *have* saved their search queries in this manner, or that the Windows operating system is specifically designed to save search queries for re-use. Second, Claims 1 and 5 do not cover this hypothetical scenario. With respect to Claim 1, for example, Examiner's proposed scenario would not involve the step of "presenting the user an option to save the query for subsequent use as a user-defined category." The anticipation rejection of Claims 1 and 5 is therefore improper.

Notwithstanding the foregoing, Applicant has added claim language to more clearly distinguish the relevant claims from the scenario asserted by the Examiner. For instance, independent Claims 15 now recites "presenting to the user a first web page that displays at least a portion of the search results list together with an option to save the search query for subsequent use." No such web page would be generated if a user were merely to manually save a search query using Windows. With respect to independent Claim 24, the use of Windows to locally save search queries would not involve a user interface that provides functionality to "save the

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search queries and associated category names on [a] server system for subsequent use as user-defined categories that are selectable via the user interface to browse the electronic catalog of items.”

Numerous additional distinctions over Bowman and Microsoft Windows are recited throughout the claims that depend from independent Claims 15 and 24.

In view of the foregoing, Applicants submit that Claims 15-31 are patentable over Bowman and Microsoft Windows.

V. Claims 32-37 involving analysis of search query histories of users

Newly added Claims 32-37 are directed to a feature of Applicant’s system that involves analyzing a user’s history of search queries to identify a search query that has been submitted by the user multiple times, such that a persistent link may be created for the user for this search query. The persistent link is selectable by the user to view items that match the search query. In a preferred embodiment, which is described at page 22, line 3 to page 23, line 4 of the present application, this process is used to create and/or suggest new private categories for users.

In rejecting dependent Claims 4 and 6, the Examiner indicated that the USPTO’s APS system included features for allowing examiners to view histories of prior search queries. Applicant submits that the method of Claim 32 (the sole independent claim in this group) is patentably distinct from the APS system. In this regard, the asserted use of the APS system apparently did not involve the computer-implemented steps of “analyzing the history of search queries to identify a search query that has been submitted multiple times by the user,” and “creating for the user, or providing to the user an option to create, a persistent link that is selectable by the user to view a current set of items within the repository that match the search query.” If the Examiner disagrees, he is respectfully requested to provide Applicant with prior art documentation for the APS system so that Applicant can properly respond to the rejection.

VI. Claims 39-53 involving display of selected item quantities

Claims 10-14, which have been replaced with Claims 39-53, are directed generally to a feature of Applicant’s system which involves displaying quantities of items selected for purchase as a user browses an electronic catalog. A preferred embodiment of this feature is described in the present application at page 3, lines 14-26; page 6, lines 7-20; page 8, line 14 to page 13, line 9; and page 19, line 23 to page 20, line 31.

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In the preferred embodiment of this feature, a user can browse the catalog using multiple browsing modes, including a search mode and a category-based mode. Whenever the user views an item within one of these modes in the preferred embodiment, the item is displayed with a field indicating the quantity of that item currently selected for purchase. See, e.g., Figures 10 and 18. Each such field can be edited by the user to modify the quantity selected. The user is thus notified of which items are currently selected for purchase and their corresponding quantities, and is provided an option to adjust such quantities, without having to access a shopping cart. Applicant's system also allows the user to save a representation of the selected items and item quantities for subsequent, recurring use, such that the user can easily restore these selections to make recurring purchases.

In rejecting independent Claim 10, the Examiner relied solely on U.S. Patent No. 5,960,411 to Hartman. According to the Examiner, Hartman discloses a system in which, when a user views an item that has been selected for prospective purchase within any one of multiple browsing modes, the corresponding purchase quantity is automatically displayed. Hartman does not, however, disclose or suggest this feature. In this regard, the excerpt cited by the Examiner—namely column 3, lines 60-64—does not involve the display of information about quantities of items selected. The Official Notice taken by the Examiner in rejecting Claim 11 does not address this deficiency in Hartman.

In view of the foregoing, Applicant submits that independent Claims 39, 43 and 47 recite limitations that are not disclosed or suggested by Hartman. With respect to independent Claim 39, for example, Hartman does not disclose or suggest the following step within the context of the other claim limitations: "wherever the user views an item within any one of the multiple browsing modes, displaying the item together with a field that indicates a quantity of the item currently selected for purchase, said field being editable by the user to modify said quantity."

With respect to independent Claim 43, Hartman does not disclose or suggest a software application that "displays to a user a quantity of each catalog item selected for purchase throughout the multiple browsing modes, to thereby facilitate generating orders for multiple items; whereby the application enables users to view quantities of items selected for purchase during browsing of the electronic catalog without accessing a shopping cart," within the context of the other claim limitations.

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With respect to independent Claim 47, Hartman does not disclose or suggest the combination of "generating a list of items which is responsive to at least one of (1) submission by the user of a search query for searching the catalog, and (2) selection by the user of an item category for viewing," and "presenting the list of items to the user together with corresponding quantity values which indicate quantities of items selected for purchase," in the context of the other claim limitations.

Additional patentable distinctions are recited throughout the claims that depend from independent Claims 39, 43 and 47.

VII. Claims 54-60 involving message history between buyer and seller

Claims 7-9 of the present application, which have been replaced with Claims 54-60, are directed to a feature of Applicant's system that facilitates order-specific communications between a buyer and seller. A preferred embodiment of this feature is described in the present application at page 3, lines 27-31; page 6, lines 26-31; page 17, line 13 to page 19, line 22; and page 23, line 5 to page 24, line 6. Claim 54 is the sole independent claim in this group, and corresponds to canceled Claim 9.

In the Office Action, the Examiner appears to take the position that Claims 7-9 would cover a process in which a buyer communicates with Amazon.com by email regarding an order, and reviews a log of these communications via the Amazon.com web site. The Examiner has not, however, presented any evidence that the Amazon.com web site provided, prior to Applicant's priority date, functionality for viewing a history or log of order-specific communications between a buyer and seller. (The Examiner's reference to "U.S. Pat. '989" is ambiguous, and does not appear to correspond to any of the patents cited in the Notice of References Cited.) The rejection is therefore improper. If the Examiner maintains the rejection, he is respectfully requested to provide documentary support for his assertions regarding the Amazon.com web site.

VIII. Conclusion

In view of the foregoing, Applicant submits that all of the new claims are patentable over the references applied by the Examiner, and requests that the application be allowed.

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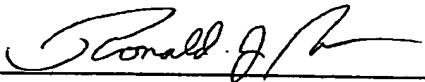
If any issues remain that can potentially be resolved by telephone, the Examiner is invited to call the undersigned attorney of record at 949-721-2950.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 1-19-04

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